

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Princess Alava

Write the full name of each plaintiff.

-against-

Amy Lamanna et al (see attached.)

20 cv 10726

(Include case number if one has been assigned)

**SECOND AMENDED  
COMPLAINT**

Do you want a jury trial?

Yes  No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- Federal Question**
- Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

These allegations state claims under 42 USC s. 1983 for deliberate indifference, cruel and unusual punishment and a violation of due process.

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### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of \_\_\_\_\_.  
(Plaintiff's name)

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(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_.

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If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of \_\_\_\_\_  
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_.

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Princess	Debbie	Alava
First Name	Middle Initial	Last Name
1035 Dean Street Apt. 5		
Street Address		
Schenectady	New York	12309
County, City	State	Zip Code
518-334-9402	princessalava22@gmail.com	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

**See attached.**

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	
<hr/>		
Current Job Title (or other identifying information)		
<hr/>		
Current Work Address (or other address where defendant may be served)		
<hr/>		
County, City	State	Zip Code

### III. STATEMENT OF CLAIM

Place(s) of occurrence: Bedford Hills Correctional Facility, 112C/D (cell CD), TBU cell 332, Mental Health OB, 112 Lobby

Date(s) of occurrence: January 2019-August 2020

## FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

See attachment.

## INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I received a concussion, contusions, & lacerations to my head face and even had my face glued shut. I also had one bite from Johnson on my stomach and a bite from Guest on my left hand. Because of my trauma I had to be prescribed mental health medication because I have night terrors of the incident, all I can see in my dreams was me dead. I still have marks on my body from the attack, as is in my scalp.

## IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I am seeking all monetary damages to which I am entitled, including compensatory damages, nominal damages as well as punitive damages. I ask for a reward in the amount of \$2.5 million to compensate me for my mental health treatment and cosmetic surgery for the marks left on my face due to the attack and the continual mental anguish pain and suffering because I still get headaches and am scared all the time. I just around any sudden noise and movement or try to hide. My family sees the change and I'm still in mental health treatment dealing with this trauma. I also ask that including this case that the defendants award come from 30% of their pension.

## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit

2/17/23

*Princess Alava*

Dated	Plaintiff's Signature	
<u>Princess</u>	<u>Debbie</u>	<u>Alava</u>
First Name	Middle Initial	Last Name
<u>1035 Dean Street Apt. 5</u>		
Street Address		
<u>Schenectady</u>	<u>New York</u>	<u>12309</u>
County, City	State	Zip Code
<u>518-334-9402</u>	<u>princessalava22@gmail.com</u>	
Telephone Number	Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes  No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

**Defendant Information**

**Anthony Annucci,**  
Acting Commissioner of Corrections  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Superintendent Amy Lamanna,**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Eileen Gonzalez-Russell**  
First Deputy Superintendent  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Michael Daye**  
Deputy Superintendent for Security Services  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Captain Paul Artuz**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Lieutenant Michael Seamen,**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Deputy of PREA Eileen Velez,**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Sergeant B. Ramirez**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Sergeant Rodriguez**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Captain Benny Thorpe**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**C.O. Chin**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Dr. Gina Locasico-Artuz,**  
Head Chief for the Office of Mental Health  
(OMH)  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Dr. Morellis**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Lieutenant Ocana**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Sergeant Borres**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

**Sergeant Corbie**  
247 Harris, P.O. Box 1000  
Bedford Hills, NY 10507

1. I am 37 years old, and a mother to my 14-year-old son. From November 22, 2010 until August 19, 2020, I was incarcerated at Bedford Hills Correctional Facility in Schenectady County.
2. In 2019, I was living in the 112 C/O unit (“Unit 112”) along with inmates Judith Johnson, Mahalia Guest, and S. Davis, among others.
3. While I was at Bedford Hills, I was supervised by Superintendent Amy Lamanna, First Deputy Superintendent (FDSP) Eileen Gonzalez-Russell, Deputy Superintendent for Security Services (DSS) Michael Daye, Captain Paul Artuz, Lieutenant Acting Captain Michael Seamen, Deputy of PREA Eileen Velez, Sergeant B. Ramirez, Captain Benny Thorpe, and Sergeant Rodriguez.

### **Transfer Requests**

*January 2019*

4. On January 25, 2019, as Supt. Lamanna, FDSP Gonzalez-Russell, DSS Daye, Capt. Artuz, Lt. Seamen, and Dept. Velez were making rounds at 10AM, I spoke to DSS Daye about moving from Unit 112 and asked if someone could speak to me off unit.
5. I complained to DSS Daye about how I was being harassed by Correctional Officer (C.O.) Chin and a few of the inmates in Unit 112, and I was worried that the inmates were going to jump me. I told him C.O. Chin would kick over my books or throw garbage in my cell. When myself and other inmates were going to programs or mess hall, we would need to go when they called movement. If you missed movement you had to wait another hour or so before you could go again. C.O. Chin would make me miss movement by keeping me locked in when movement was called. I missed commissary several times because of this.
6. After I spoke to DSS Daye about this, I was told to write to him as well as Lt. Seamen because he was in charge of moves.
7. When I wrote to DSS Daye and Lt. Seamen, I told them about how I was being harassed by inmates in my unit. I felt as though these inmates were trying to keep me from going home and I was afraid that I was going to be attacked. These inmates had been coming to my door, yelling at me, and cursing me out. To my knowledge, I mentioned this harassment and my fear that inmates in my unit would try to prevent me from going home and attack me each time that I spoke to officials and wrote to them about my concerns.

*February 2019*

8. On or around February 4, 2019, I had a Department of Mental Health appointment with Dr. Morellis, where I asked for help to get moved from Unit 112 because I was being harassed by inmates in the unit. I asked to speak to Dr. Gina Locasico-Artuz, the Head Chief for the Office of Mental Health (OMH), and was told that Dr. Morellis would speak to Dr. Locasio-Artuz.

9. Upon returning to the first floor Regional Medical Unit (RMU) from my appointment on the third floor, I saw Captain Artuz and told him that I was having issues with the C.O (C.O. Chin) and I also complained about a few inmates were starting trouble with me. I told him that these inmates, who had life sentences, were harassing me and didn't like that I was only in on parole. I told him I thought they were trying to keep me from going home and that I was afraid that they would jump me. I let Captain Artuz know that I wanted to move to a different unit and he told me to write him and he'd look into it but that he didn't handle moves. He told me that Lt. Seamen was in charge of moves. This was approximately at 10AM or sometime in the early afternoon.
10. On or around February 9, 2019 at approximately 10:30am I got into an argument with inmate Mahalia Guest before we were locked in for the night. Sergeant Ramirez was on duty at the time when this argument took place. I spoke to Sergeant Ramirez and told him that I felt unsafe because of harassment from inmates, including M. Guest. I asked Sergeant Ramirez to be moved or to go into protective custody in a different unit after C.O. Chin pulled the pin, but I was told that I'd be put into protective custody in Unit 112. I spoke to C.O. Smith and asked that he help that same evening. I repeated my concerns about other inmates harming me if I stayed in the unit.
11. On or around February 22, 2019, I saw Dep. Velez and asked her if she received my letter which I wrote to her where I told her that I was being harassed by inmates on my unit and was afraid that they would harm me. I asked her if she could please help me get moved from Unit 112. She told me she'd call me down to her office. At this time, I also wrote Anthony Annucci, Acting Commissioner of Corrections, requesting an administrative move or to drop my level so that I would no longer be in Unit 112.
12. On or around February 26, 2019 I saw Dr. Locasio-Artuz outside smoking during a med run at around noon. I went up to her crying and I begged for help with getting me off of Unit 112. I told her that inmates in my unit had been harassing me and I was worried that they would hurt me or do something to keep me from going home. Dr. Locasio-Artuz told me that she couldn't do anything for me, and that this was an issue for security. I asked her, "even if my mental health is involved?" She said she would speak to her husband, who was Capt. Artuz. I received no response from Dr. Locasio-Artuz or from Capt. Artuz, and neither of them followed up with me about my concerns.

*March 2019*

13. By about March 9, 2019, I had spoken to all of the executive team about my concerns that inmates in my unit were trying to keep me from being sent home, had been bullying me, and that I was afraid they would jump me.
14. On or around March 9, 2019, I saw Lt. Seamen while I had been in the yard and asked him why he hadn't answered my letters telling him about how I thought inmates in my unit were trying to hurt me and asking to be moved. I told him that I was about to start college soon and didn't want any trouble. I told him that M. Guest had bumped me on the movement line and I bumped her back but I walked away because I didn't want to lose school.

15. On or around March 15, 2019 and March 22, 2019, I had been in classes and taking periodic breaks in the OMH satellite dorm where I complained of the noise and problems because the unit was always loud.
16. On or around March 17<sup>th</sup>-25<sup>th</sup>, I filed a grievance with the Inmate Grievance Program, explaining that I feared for my safety in my unit, and my letters requesting to be moved were not being responded to. The grievance was supposed to be sent to the main office, but I never heard anything in response.
17. On or around March 21, 2019 at approximately 4:00pm, inmate Judith Johnson gave me a cooler and told me to make “hooch,” a jail kind of alcoholic beverage. I only put in some of the ingredients because I was not able to get everything due to being in college and studying. I was always in the school basement or in the library so I hadn’t had the time to finish making it.
18. On or around March 23, 2019 to March 30, 2019, I told Sergeant Rodriguez that I had been having arguments with M. Guest and J. Johnson. I told her I didn’t feel safe in the unit because I thought inmates in my unit were going to try to hurt me. I told said that she was going to try to speak to her superior to try to see if she could get me moved. She took a report from me but nothing happened after that and I wasn’t moved.
19. Sometime between March 24, 2019 to April 9, 2019, I had a cell search where C.O. Dunkley went straight to the cooler given to me from inmate J. Johnson. I was confined for a few minutes before it was decided that I wasn’t a threat and therefore I got to go to class that night.

*April 2019*

20. Sometime between April 10, 2019 and April 15, 2019, I went to a tier 2 disciplinary hearing in which I begged Lt. Ocana to put me in protective custody rather than to give me “keeplock” punishment in my cell. Lt. Ocana granted me non-program keeplock so I could continue attending school, and I received loss of package commissary and phones.
21. On or around April 19, 2019, I wrote to DSS. Daye, Lt. Seamen, Capt. Thorpe, FDSP Gonzalez-Russell, Supt. Lamanna, Anthony Annucci, and Dept Velez. In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. I also spoke to Sgt. Rodriguez about my fears that I would be harmed by inmates in my unit. Sgt. Rodriguez told me she’d try to help me, but no one followed up on my concerns or took action to move me out of Unit 112.
22. On or around April 25, 2019 at approximately 11:20AM, I got into an argument during count time with inmates Judith Johnson, Mahalia Guest and Judith Johnson’s friend, who went by the name of “Heaven.” The argument was loud and continued for approximately 30 minutes. They were angry with me because Mahalia Guest was caught in her

girlfriend's, Judith Johnson, cell and I was blamed for them being caught. C.O. Chin was present during this argument in which Judith Johnson, Mahalia Guest and Heaven loudly threatened that they would be waiting to jump me when the doors opened for lunch. C.O. Chin did not react to their threats or follow up with me.

23. When the doors opened for lunch, Judith Johnson, Mahalia Guest and Heaven waited for me in the Unit 112 staircase. I had jail house weapons which they were not prepared for at the time, and they called a truce.
24. After this incident, I spoke to C.O Smith during the following shift at 3:11pm. I told him about how these inmates had threatened me and were waiting to attack me. I also spoke to Sgt. Borres about the attempted attack but I was told there was nothing that could be done and that all I had to do was ignore them.
25. On April 30, 2019 at approximately 1pm I entered the college-bound area of the school basement. I asked to speak to the sergeant in that area, Sgt Corbie, because I felt as if he'd help me.
26. When I spoke to Sgt. Corbie, I requested protective custody because I was worried that inmates in my unit were trying to harm me, and I refused to return back to my unit. Sgt. Corbie then contacted Capt. Thorpe who came to the school basement. Thinking that I would be taken to Special Housing Unit (SHU) where protective custody is housed, I signed the form to go to protective custody. However, I was told that I would still go back to Unit 112 until OMH transferred me to the Therapeutic Behavioral Health Unit (TBU) which they used for disciplinary housing for seriously mentally ill inmates. I was also told that if I transferred to TBU I would not be allowed to complete my college classes for the semester.
27. That night I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I even wrote to Inmate Grievance Program Representative supervisor Caesar Brown to ask him to send emails and to tell him that I wasn't getting any response to my concerns about inmates in my unit trying to harm me and that I wasn't being allowed to move for safety reasons

#### **Transfer Requests Organized by Defendant**

*Anthony Annucci*

28. On or around February 22, 2019, I wrote to Anthony Annucci, Acting Commissioner of Corrections, requesting an administrative move or to drop my level so that I would no longer be in Unit 112. I never received a response.
29. On or around April 19, 2019, I wrote to Anthony Annucci again, (as well as DSS. Daye, Lt. Seamen, Capt. Thorpe, FDSP Gonzalez-Russell, Supt. Lamanna, and Dept Velez.) In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. I never received a response.
30. On April 30, 2019 I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I never received a response.

*Superintendent Amy Lamanna*

31. On or around April 19, 2019, I wrote to Supt. Lamanna ( as well as DSS. Daye, Lt. Seamen, Capt. Thorpe, FDSP Gonzalez-Russell, Anthony Annucci, and Dept Velez.) In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. No one followed up on my concerns or took action to move me out of Unit 112.
32. On April 30, 2019 I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I never received a response.

*Eileen Gonzalez-Russell*

33. On or around April 19, 2019, I wrote to FDSP Gonzalez-Russell (as well as DSS. Daye, Lt. Seamen, Capt. Thorpe, Supt. Lamanna, Anthony Annucci, and Dept Velez.) In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. No one followed up on my concerns or took action to move me out of Unit 112.
34. On April 30, 2019 I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I never received a response.

*Michael Daye*

35. On or around the end of December 2018 or beginning of January 2019, I wrote a letter to DSS Daye and Lt. Seamen expressing concern about being harassed by other inmates, and asking to be moved out of my unit. I never received a response.
36. On January 25, 2019, as Supt. Lamanna, FDSP Gonzalez-Russell, DSS Daye, Capt. Artuz, Lt. Seamen, and Dept. Velez were making rounds at 10AM, I spoke to DSS Daye about moving from Unit 112 and asked if someone could speak to me off unit.

37. When I spoke with him, I asked if he had gotten my letter and he said no. I complained to DSS Daye about how I was being harassed by Correctional Officer (C.O.) Chin and a few of the inmates in Unit 112, and I was worried that the inmates were going to jump me. I told him C.O. Chin would kick over my books or throw garbage in my cell. When myself and other inmates were going to programs or mess hall, we would need to go when they called movement. If you missed movement, you had to wait another hour or so before you could go again. C.O. Chin would make me miss movement by keeping me locked in when movement was called. I missed commissary several times because of this.

38. After I spoke to DSS Daye about this, I was told to write to him as well as Lt. Seamen because he was in charge of moves.

39. On or around January 27<sup>th</sup>, I wrote to DSS Daye and Lt. Seamen. In the letter, I told them about how I was being harassed by inmates in my unit. I felt as though these inmates were trying to keep me from going home and I was afraid that I was going to be attacked. These inmates had been coming to my door, yelling at me, and cursing me out. To my knowledge, I mentioned this harassment and my fear that inmates in my unit would try to prevent me from going home and attack me each time that I spoke to officials and wrote to them about my concerns.

40. On or around April 19, 2019, I wrote to DSS. Daye, Lt. Seamen, Capt. Thorpe, FDSP Gonzalez-Russell, Supt. Lamanna, Anthony Annucci, and Dept Velez. In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. No one followed up on my concerns or took action to move me out of Unit 112.

41. On April 30, 2019 I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I even wrote to Inmate Grievance Program Representative supervisor Caesar Brown to ask him to send emails and to tell him that I wasn't getting any response to my concerns about inmates in my unit trying to harm me and that I wasn't being allowed to move for safety reasons.

*Captain Paul Artuz*

42. On or around Feburary 4, 2019 at approximately 10 am, I saw Captain Artuz upon returning to the first floor Regional Medical Unit (RMU) from my appointment on the third floor. I told him that I was having issues with the C.O (C.O. Chin). I also complained that a few inmates were starting trouble with me. I told him that these inmates, who had life sentences, were harassing me and didn't like that I was only in on parole. I told him I thought they were trying to keep me from going home and that I was afraid that they would jump me. I let Captain Artuz know that I wanted to move to a different unit and he told me to write to him and he'd look into it but that he didn't handle moves. He told me that Lt. Seamen was in charge of moves.

*Lieutenant Michael Seamen*

43. On or around the end of December 2018 or beginning of January 2019, I wrote a letter to DSS Daye and Lt. Seamen expressing concern about being harassed by other inmates, and asking to be moved out of my unit. I never received a response.
44. On or around January 27<sup>th</sup>, 2019 I wrote to Lt. Seamen and DSS Daye. In the letter, I told them about how I was being harassed by inmates in my unit. I felt as though these inmates were trying to keep me from going home and I was afraid that I was going to be attacked. These inmates had been coming to my door, yelling at me, and cursing me out. To my knowledge, I mentioned this harassment and my fear that inmates in my unit would try to prevent me from going home and attack me each time that I spoke to officials and wrote to them about my concerns. I never received a response.
45. On or around March 9, 2019, I saw Lt. Seamen while I had been in the yard and asked him why he hadn't answered my letters telling him about how I thought inmates in my unit were trying to hurt me and asking to be moved. I told him that I was about to start college soon and didn't want any trouble. I told him that M. Guest had bumped me on the movement line and I bumped her back but I walked away because I didn't want to lose school. Lt. Seamen asked if I had any information about other inmates, because if I did I might be able to be moved more quickly. When I didn't, he said to write another letter.
46. On or around April 19, 2019, I wrote to DSS. Daye, Lt. Seamen, Capt. Thorpe, FDSP Gonzalez-Russell, Supt. Lamanna, Anthony Annucci, and Dept Velez. In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. No one followed up on my concerns or took action to move me out of Unit 112.
47. On April 30, after being threatened and almost attacked on April 25<sup>th</sup>, I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I never received a response.

*Deputy of PREA Eileen Velez*

48. On or around February 10<sup>th</sup>, 2019, I wrote to Dep. Velez and told her I was being harassed by inmates on my unit and was afraid that they would harm me. I asked her if she could please help me get moved from Unit 12. I never received a response.
49. On or around February 22, 2019, I saw Dep. Velez and asked her if she received my letter from February 10<sup>th</sup> where I asked her if she could please help me get moved from Unit 112. She told me she'd call me down to her office.
50. She didn't end up calling me down to her office until around March 20<sup>th</sup> – March 25<sup>th</sup>. I told her I didn't want to go back to my unit and feared for my life. She said she would have

to talk to someone else about my situation, because she was only in charge of issues related to sexual harassment/crimes. I never received any follow up after this meeting.

51. On or around April 19, 2019, I wrote to DSS. Daye, Lt. Seamen, Capt. Thorpe, FDSP Gonzalez-Russell, Supt. Lamanna, Anthony Annucci, and Dept Velez. In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. No one followed up on my concerns or took action to move me out of Unit 112.
52. On April 30, after being threatened and almost attacked on April 25<sup>th</sup>, I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I never received a response.

*Sergeant B. Ramirez*

53. On or around February 9, 2019 at approximately 10:30am I got into an argument with inmate Mahalia Guest before we were locked in for the night. Sergeant Ramirez was on duty at the time when this argument took place. I spoke to Sergeant Ramirez and told him that I felt unsafe because of harassment from inmates, including M. Guest. I asked Sergeant Ramirez to be moved or to go into protective custody in a different unit after C.O. Chin pulled the pin, but I was told that I'd be put into protective custody in Unit 112. I did not want this as I needed to be moved from my unit. I spoke to C.O. Smith and asked that he help that same evening. I repeated my concerns about other inmates harming me if I stayed in the unit.

*Sergeant Rodriguez*

54. On or around March 23, 2019 to March 30, 2019, I told Sergeant Rodriguez that I had been having arguments with M. Guest and J. Johnson. I told her I didn't feel safe in the unit because I thought inmates in my unit were going to try to hurt me. I told her that she was going to try to speak to her superior to try to see if she could get me moved. She took a report from me but nothing happened after that and I wasn't moved.
55. On or around April 19, 2019, I spoke to Sgt. Rodriguez about my fears that I would be harmed by inmates in my unit. Sgt. Rodriguez told me she'd try to help me, but no one followed up on my concerns or took action to move me out of Unit 112.

*Captain Benny Thorpe*

56. On or around April 19, 2019, I wrote to DSS. Daye, Lt. Seamen, Capt. Thorpe, FDSP Gonzalez-Russell, Supt. Lamanna, Anthony Annucci, and Dept Velez. In my letters, I asked for an investigation into my concerns about being harassed and to be granted an administrative move out of Unit 112. No one followed up on my concerns or took action to move me out of Unit 112.

57. On April 30, 2019 at approximately 1pm I entered the college-bound area of the school basement. I asked to speak to the sergeant in that area, Sgt Corbie, because I felt as if he'd help me.
58. When I spoke to Sgt. Corbie, I requested protective custody because I was worried that inmates in my unit were trying to harm me, and I refused to return back to my unit. Sgt. Corbie then contacted Capt. Thorpe who came to the school basement. Thinking that I would be taken to Special Housing Unit (SHU) where protective custody is housed, I signed the form to go to protective custody. However, I was told that I would still go back to Unit 112 until OMH transferred me to the Therapeutic Behavioral Health Unit (TBU) which they used for disciplinary housing for seriously mentally ill inmates. I was also told that if I transferred to TBU I would not be allowed to complete my college classes for the semester.

*C.O. Chin*

59. On or around April 25, 2019 at approximately 11:20AM, I got into an argument during count time with inmates Judith Johnson, Mahalia Guest and Judith Johnson's friend, who went by the name of "Heaven." The argument was loud and continued for approximately 30 minutes. They were angry with me because Mahalia Guest was caught in her girlfriend's, Judith Johnson, cell and I was blamed for them being caught. C.O. Chin was present during this argument in which Judith Johnson, Mahalia Guest and Heaven loudly threatened that they would be waiting to jump me when the doors opened for lunch. C.O. Chin did not react to their threats or follow up with me.

*Dr. Gina Locasico-Artuz*

60. On or around February 26, 2019 I saw Dr. Locasio-Artuz outside smoking during a med run at around noon. I went up to her crying and I begged for help with getting me off of Unit 112. I told her that inmates in my unit had been harassing me and I was worried that they would hurt me or do something to keep me from going home. Dr. Locasio-Artuz told me that she couldn't do anything for me, and that this was an issue for security. I asked her, "even if my mental health is involved?" She said she would speak to her husband, who was Capt. Artuz. I received no response from Dr. Locasio-Artuz or from Capt. Artuz, and neither of them followed up with me about my concerns.
61. On April 30, 2019 I wrote Supt. Lamanna, Dept. Russell, Dept. Velez, DSS Daye, Lt. Seamen, Dr. Locasio-Artuz, and Anthony Annucci asking them all to move me from Unit 112 and saying I didn't feel safe in my unit. I never received a response.

*Dr. Morellis*

62. On or around February 4, 2019, I had a Department of Mental Health appointment with Dr. Morellis, during which I asked for help to get moved from Unit 112 because I was being harassed by inmates in the unit. I asked to speak to Dr. Gina Locasico-Artuz, the

Head Chief for the Office of Mental Health (OMH), and was told that Dr. Morellis would speak to Dr. Locasio-Artuz.

*Lieutenant Ocana*

63. Sometime between April 10, 2019 and April 15, 2019, I went to a tier 2 disciplinary hearing in which I begged Lt. Ocana to put me in protective custody rather than to give me “keeplock” punishment in my cell. Lt. Ocana granted me non-program keeplock so I could continue attending school, and I received loss of package commissary and phones.

*Sergeant Borres*

64. On or around April 25, 2019 at approximately 11:20AM, I got into an argument during count time with inmates Judith Johnson, Mahalia Guest and Judith Johnson’s friend, who went by the name of “Heaven.” The argument was loud and continued for approximately 30 minutes. They were angry with me because Mahalia Guest was caught in her girlfriend’s, Judith Johnson, cell and I was blamed for them being caught. C.O. Chin was present during this argument in which Judith Johnson, Mahalia Guest and Heaven loudly threatened that they would be waiting to jump me when the doors opened for lunch. C.O. Chin did not react to their threats or follow up with me.

65. When the doors opened for lunch, Judith Johnson, Mahalia Guest and Heaven waited for me in the Unit 112 staircase. I had jail house weapons which they were not prepared for at the time, and they called a truce.

66. After this incident, I spoke to C.O Smith during the following shift at 3:11pm. I told him about how these inmates had threatened me and were waiting to attack me. I also spoke to Sgt. Borres about the attempted attack but I was told there was nothing that could be done and that all I had to do was ignore them.

*Sergeant Corbie*

67. On or around March 13<sup>th</sup>, 2019 I asked Sgt. Corbie to be moved because I didn’t feel safe in my unit. He said he couldn’t do anything about it, as moving people was above his paygrade.

68. On April 30, 2019 at approximately 1pm I entered the college-bound area of the school basement. I asked to speak to the sergeant in that area, Sgt Corbie, because I felt as if he’d help me.

69. When I spoke to Sgt. Corbie, I requested protective custody because I was worried that inmates in my unit were trying to harm me, and I refused to return back to my unit. Sgt. Corbie then contacted Capt. Thorpe who came to the school basement. Thinking that I would be taken to Special Housing Unit (SHU) where protective custody is housed, I signed the form to go to protective custody. However, I was told that I would still go

back to Unit 112 until OMH transferred me to the Therapeutic Behavioral Health Unit (TBU) which they used for disciplinary housing for seriously mentally ill inmates. I was also told that if I transferred to TBU I would not be allowed to complete my college classes for the semester.

### **The Attack**

70. On May 2, 2019 I entered my cell to get some medication when I noticed someone step in my cell behind me. It was Mahalia Guest and she attacked me. Then Judith Johnson entered. At first I hadn't noticed that Judith Johnson was holding a lock until she told Mahalia Guest that they had to kill me. Then, Sahih Davis entered my cell and put my curtain up to conceal the attack. To my knowledge, all three – Mahalia Guest, Judith Johnson and Sahih Davis – had life sentences.
71. Judith Johnson's exact words will never leave me. Speaking to Mahalia Guest, who she referred to as, "Halo," she said "Halo, we have to kill her, you gotta hit her with the lock. She can't make it out of here we gotta kill her she can't make it home to her son!" I fought for my life. I was hit with my tablet, the hair blow dryer and the combination lock. I screamed out and the attack went on for about 15 minutes.
72. When keeplock trays were being delivered, all the doors closed except for mine. C.O. Stein noticed this and called a red alert. Mahalia Guest, Judith Johnson and Sahih Davis were dragged out of my cell bloody. At first, the officers didn't know that they were in there trying to kill me. Once I made them aware I was rushed to the RMU in handcuffs. I felt humiliated because inmates were laughing at me, as were some officers. When I got to the RMU I was sent out in an ambulance. When I was being taken out of the RMU, inmates were standing in the RMU bullpen and were pointing and laughing at me. Usually there's no movement or inmates allowed in the RMU bullpen, but there were as I was leaving. No action was taken to protect me.
73. While in the clinic I told Capt. Artuz that I wanted to press charges against the inmates who assaulted me for attempted murder because they said they wanted to kill me as they were attacking me. I also called him out as well as Lt. Seamen, who just came into the clinic smirking at me and left, Sgt. Rodriguez, Sgt. Corbie, Sgt. B. Ramirez, Sgt. Arndt, Sgt. Taribuono, Sgt. Borres, Lt. Ocana, Capt. Artuz, Capt. Thorpe, Dep. Velez, DSS Daye, FDSP Russell, Dr. Locascio-Artuz, Anthony Annucci and Supt. Amy Lamanna. I stated that I told all of them that an attack like this was going to happen.
74. I was bitten by both inmates but medical refused to document all of my injuries. When I was telling what happened they were changing my words right in front of me. They gave me HIV medication, which made me sick, even though I didn't have HIV and apparently neither did the inmates who bit me.

75. I was rushed to Northern Westchester Hospital. I sustained a severe concussion, contusions, and lacerations to my face, head, and body and my face had to be glued shut in 2 different places. I spoke to a MCN who said he was state police about the attack. He refused to give me a copy of the report and downplayed my claims as an assault despite my telling him that they said they were trying to kill me.
76. On my return to Bedford Hills, my trip officers were Ms. Hampton and C.O. York. I had been prescribed icepacks and pain medication.
77. I was placed in the RMU for that night and the next day I was told that I was going to TBU SHU housing for SI mental health and that I would be served a tier 3 ticket for fighting. I was moved to a dirty cell in observation at mental health. I begged Dr. Sanders and even spoke to Dr. Locasio-Artuz and I begged them to help me and to not allow me to be housed on TBU. I told them that I felt traumatized from being there before and begged for their help. I was ignored and told that it was up to security and that it was out of their hands. I stayed in observation for a few days. During that time I wrote letters in which I filed a grievance in reference to my wrongful confinement and the assault.
78. After Capt. Thorpe did my hearing, I was returned to 113 A/B, another mental health unit. All inmates involved in my attack went to SHU. On July 26, 2019, I was released onto parole, and Judith Johnson, Mahalia Guest, and Sahih Davis were released from SHU.
79. All of the defendants had knowledge to the fact that I didn't feel safe and kept requesting to move. The defendants never responded to my letters and mysteriously some letters I wrote came up missing when my property was transferred from Unit 112 to TBU and throughout cell searches on 113 A/B. I complained of this abuse of cell searches in accordance with the directive 4910 search and seizures. I also filed grievance with the grievance supervisor telling them that no one responded to my letters and that the facility failed to protect me, and that I was wrongly imprisoned in TBU.
80. These allegations state claims under 42 USC s. 1983 for deliberate indifference, cruel and unusual punishment and a violation of due process. These were clear violations and so the defendants are not entitled to immunity.